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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 08-031 MHP
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
ENRIQUE CABRERA-LUVIANO,)	
a/k/a Enrique Cabrera,)	
)	
Defendant.)	
_____)	

On January 28, 2008, the parties in this case appeared before the Court and requested that time from January 28, 2008 through February 25, 2008 be excluded from Speedy Trial Act calculations because defense counsel and government counsel must work with the U.S. Probation Office to ensure that an accurate presentence report is prepared before the defendant pleads guilty. The parties represented to the Court that the length of the requested continuance was the reasonable amount of time necessary for effective preparation of counsel, taking into

account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by this continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: January 31, 2008

/s/
TAREK J. HELOU
Assistant United States Attorney

DATED: January 31, 2008

/s/
GEOFFREY HANSEN
Attorney for Defendant Enrique Cabrera-Luviano

As the Court stated on January 28, 2008, and for the reasons identified above, the Court finds that the ends of justice served by the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds that time from January 28, 2008 through February 25, 2008 shall be excluded from Speedy Trial Act calculations for effective preparation of counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 2/6/2008

